

GARTEISER HONEA, P.C.

Randall T. Garteiser (SBN 231821)
randall.garteiser@sfttrialattorneys.com
Christopher A. Honea (SBN 232473)
chris.honea@sfttrialattorneys.com
44 North San Pedro Road
San Rafael, California 94903
[Tel.] (415) 785-3762
[Fax] (415) 785-3805

NELSON BUMGARDNER CASTO, P.C.

Barry J. Bumgardner (*pro hac vice*)
barry@nbclaw.net
Steven W. Hartsell (*pro hac vice*)
shartsell@nbclaw.net
3131 West 7th Street, Suite 300
Fort Worth, Texas 76107
[Tel.] (817) 377-9111
[Fax] (817) 377-3485

BURNS & LEVINSON LLP

Howard J. Susser (*pro hac vice*)
hsusser@burnslev.com
Paul T. Muniz (*pro hac vice*)
pmuniz@burnslev.com
Zachary R. Gates (*pro hac vice*)
zgates@burnslev.com
Alexandra Capachietti (*pro hac vice*)
acapachietti@burnslev.com
125 Summer Street
Boston, Massachusetts
[Tel.] 617-345-3000
[Fax] 617-345-3299

Attorneys for Plaintiff GPNE Corp.

KLARQUIST SPARKMAN, LLP

Robert T. Cruzen (State Bar No. 203658)
rob.cruzen@klarquist.com
Jeffrey S. Love (State Bar No. 195068)
jeffrey.love@klarquist.com
Kristin Cleveland (State Bar No. 184639)
kristincleveland@klarkquist.com
One World Trade Center
121 S.W. Salmon Street
Suite 1600
Portland, Oregon 97204
[Tel.] (503) 595-5300
[Fax] (503) 595-5301

Attorneys for Defendant Amazon.com, Inc.

KING & SPALDING LLP

Alexas D. Skucas (*pro hac vice*)
askucas@sklaw.com
Erik J. Dykema (*pro hac vice*)
edykema@kslaw.com
1185 Avenue of the Americas
New York, New York 10036
[Tel.] (212) 556-2100
[Fax] (212) 556-2222

Steven T. Snyder (*pro hac vice*)
ssnyder@kslaw.com
100 N. Tryon Street
Suite 3900
Charlotte, North Carolina 28202
[Tel.] (704) 503-2600
[Fax] (704) 503-2622

Sanjeet Dutta (CA Bar No. 203463)
sdutta@kslaw.com
333 Twin Dolphin Drive, Suite 400
Redwood Shores, CA 94065
[Tel.] (650) 590-0700
[Fax] (650) 590-1900

**Attorneys for Defendants Nokia Corp. and
Nokia Inc.**

GORDON & REES LLP

Gordon I. Endow (SBN 99638)
gendow@gordonrees.com
Anna Rassouli (CSB No. 260911)
arassouli@gordonrees.com
275 Battery Street, Suite 2000
San Francisco, California 94111
[Tel.] (415) 986-5900
[Fax] (415) 986-8054

H.C. PARK & ASSOCIATES PLC

Alan A. Wright (*pro hac vice*)
awright@park-law.com
1894 Preston White Drive
Reston, VA 20191
[Tel.] (703) 288-5105
[Fax] (703) 288-5139

**Attorneys for Defendants Pantech Co. Ltd.
and Pantech Wireless, Inc.**

FISH & RICHARDSON, P.C.

Kelly C. Hunsaker (State Bar No. 168307)

hunsaker@fr.com

Enrique Duarte (State Bar No. 247523)

duarte@fr.com

500 Arguello Street, Ste. 500

Redwood City, CA 94063

[Tel.] (650) 839-55070

[Fax] (650) 839-5071

Ruffin B. Cordell (*pro hac vice*)

cordell@fr.com

1425 K Street, NW

Suite 1100

Washington, DC 20005

[Tel.] (207) 783-5070

[Fax] (207) 783-2331

Christopher O. Green (*pro hac vice*)

cgreen@fr.com

Aamir A. Kazi (*pro hac vice*)

kazi@fr.com

1180 Peachtree Street, 21st Floor

Atlanta, GA 30309

[Tel.] (404) 892-5005

[Fax] (404) 892-5002

Attorneys for Defendant Apple, Inc.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

GPNE CORP., Plaintiff, vs. APPLE INC., Defendant.		Case No. 5:12-cv-02885-LHK JURY TRIAL DEMANDED PATENT LOCAL RULE 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT
GPNE CORP., Plaintiff, vs. AMAZON.COM, INC.,		Case No. 5:12-cv-03055-LHK JURY TRIAL DEMANDED

1	Defendant.		
2	GPNE CORP.,		Case No. 5:12-cv-03056-LHK
3	Plaintiff,		JURY TRIAL DEMANDED
4	vs.		
5	NOKIA CORP. AND NOKIA INC.,		
6	Defendants.		
7			
8			
9			
10	GPNE CORP.,		Case No. 5:12-cv-03057-LHK
11	Plaintiff,		JURY TRIAL DEMANDED
12	vs.		
13	PANTECH CO., LTD AND PANTECH		
14	WIRELESS, INC.,		
15	Defendants.		

Plaintiff GPNE Corp. (“GPNE”) and Defendants Apple Inc. (“Apple”), Amazon.com, Inc. (“Amazon”), Nokia Corp and Nokia Inc. (“Nokia”) and Pantech Co. Ltd. and Pantech Wireless, Inc. (“Pantech”) (collectively, “Defendants”) hereby submit the following Joint Claim Construction and Prehearing Statement per Patent Local Rule 4-3 and the Court’s Case Management Order:

A. Agreed Constructions

The parties have agreed on the following constructions:

	Term/Phrase	Agreed Construction
1	“downstream”	in the direction from controllers to nodes
2	“upstream”	in the direction from nodes to controllers
3	“simultaneous with”	at the same time
4	“aligning signal”	The parties agree that the construction for “aligning signal” will be the same as the construction for “clocking signal.” The parties have herein identified “clocking signal” for construction and agreed that it is one of the most significant terms.

B. Proposed Constructions and Supporting Evidence

GPNE's proposed constructions and identification of supporting evidence for the terms identified in Sections C and D are set forth in Exhibit A. Defendants' proposed constructions and identification of supporting evidence for the terms identified in Sections C and D are set forth in Exhibit B.

C. Identification of the Most Significant and Dispositive Terms

The parties have agreed that the following terms will be most significant to the resolution of the case.¹ Terms with an asterisk (*) indicate terms whose constructions GPNE believes could be case dispositive. Terms with a carat (^) indicate terms whose constructions one or more of the Defendants believe will be case dispositive.

1) "node"*^

2) "frequency"*^

3) "randomly generated information"

4) "count value"

5) "providing code to"^

6) "first grant signal including information relating to an allocation of a second slot to the first node for transmitting the reserve access request signal"

7) "interface [configured/controlled] by the at least one processor to [functional language]"^

8) "allocation of additional resources for transmitting the data packets/allocation of additional resources for transmitting the first data packets"

9) "clocking signal"

D. Other Terms

The following terms were identified in the parties' Patent Local Rule 4-2 Disclosures as terms requiring construction, but were not among the "top ten" selected for briefing:

1) "allocation of resources to transmit a reserve access request signal"

¹ Defendants believe there are additional disputes significant to their respective cases and therefore reserve their right to seek the construction of additional terms at the appropriate time.

- 2) “authorization signal”
- 3) “first grant”
- 4) “first request signal”
- 5) “information relating to an allocation of additional resources”
- 6) “second grant”
- 7) “subsequent acknowledgement”
- 8) “terminal indication information”
- 9) “random access request signal”
- 10) “transmit the first data packets in response to the second grant signal / transmit the data packets in response to the second grant signal”
- 11) “reserve request signal/reserve access request signal”
- 12) “configured by”
- 13) “controlled by”
- 14) “message / communication message”
- 15) “touch sensitive display input device”
- 16) “transmit the first request signal...when the first node has a communication message to transmit”

E. Anticipated Length of Hearing

The parties understand that the Court has already set a Claim Construction Hearing from 2:00 pm to 4:00 pm on June 6, 2013, and a Claim Construction Tutorial from 10:00 am to 12:00 pm on the same day.

F. Claim Construction Witnesses

The parties do not anticipate calling any witnesses at the Claim Construction Hearing.

Dated: March 1, 2013

GARTEISER HONEA P.C.

/s/ Randall Garteiser
Randall T. Garteiser

Attorneys for Plaintiff GPNE Corp.

1 Dated: March 1, 2013

KLARQUIST SPARKMAN, LLP

2 /s/ Robert T. Cruzen
Robert T. Cruzen

3 *Attorneys for Defendant Amazon.com Inc.*

4 Dated: March 1, 2013

FISH & RICHARDSON, P.C.

6 /s/ Enrique Duarte
Enrique Duarte

7 *Attorneys for Defendant Apple Inc.*

8 Dated: March 1, 2013

KING & SPALDING

10 /s/ Steven T. Snyder
Steven T. Snyder

11 *Attorneys for Defendants Nokia Corp.*
12 *and Nokia Inc.*

13 Dated: March 1, 2013

H.C. PARK & ASSOCIATES, PLC

15 /s/ Alan A. Wright
Alan A. Wright

16 *Attorneys for Defendants Pantech Co. Ltd.*
17 *and Pantech Wireless Inc.*

18 **CERTIFICATE OF SERVICE**

19 I hereby certify that on March 1, 2013, I electronically submitted the foregoing PATENT
20 LOCAL RULE 4-3 JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT
21 using the electronic case files system of the court. The electronic case files system sent a "Notice
22 of Electronic Filing" to individuals who have consented in writing to accept this Notice as service
of this document by electronic means.

23 /s/ Randall Garteiser